

REMARKS

In reply to the Office Action of June 6, 2003, Applicant submits the following remarks. Claims 1, 2, 54 and 55 have been amended. Claims 1-61 are now pending after entry of this amendment. Applicant respectfully requests reconsideration in view of the foregoing amendment and these remarks.

Objection to the Specification

The specification has been amended to eliminate the claim-type phraseology from the abstract. The applicant believes this addresses the Examiner's objection.

Section 112 Rejections

Claims 55-61 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 55 has been amended to depend from claim 54 to correct a typographical error. Applicant believes claims 55-61 are now in allowable form.

Section 102 Rejections

Claims 1 and 54 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,259,926 ("Kuwabara"). Claims 1 and 54 have been amended to more particularly point out and distinctly claim applicant's subject matter.

Amended claim 1 recites a method for patterning a device layer in the fabrication of a device. The device layer is patterned by pressing a patterned stamp against the device layer. The patterned device layer is a part of the fabricated device.

Kuwabara teaches an organic resin layer 3 on an underlying film 2. *See* column 3, lines 56-61 and FIG. 1A. A die 4 with recessed portions 4a and projecting portions 4b is brought toward the substrate 1 and uniformly pressed against the organic resin layer 3, embossing the organic resin layer 3. *See* column 4, lines 1-16, FIGS. 1A and 1B. The remaining portions of the organic resin 3a form a mask pattern 5 for etching the underlying thin film 2. *See* column 4,

A

Applicant : Ewald Karl Michael Guenther, Zhong
Chen and Brian Cotterell
Serial No. : 09/786,832
Filed : June 13, 2001
Page : 12 of 12

Attorney's Docket No.: 12406-014001 / 1999P8116US
E/GS

lines 35-47, FIG. 1C. After the thin film 2 is etched, the organic resin 3a is removed. *See* column 4, lines 48-57.

Amended claim 1 recites that the stamp directly patterns the device layer, and that the patterned device layer is a part of a fabricated device. The die in Kuwabara does not directly pattern the thin film that becomes part of the device. Instead, in Kuwabara, the die only patterns a temporary layer that is subsequently used as an etch pattern for the underlying thin film and is then removed.

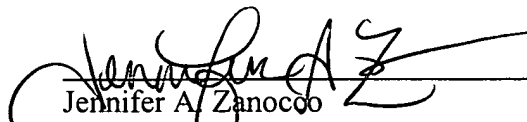
Amended claim 54 also recites a method of patterning a device layer in the fabrication of a device. The stamp recited in amended claim 54 is a drum that is rotated while the device layer is translated thereon. As in amended claim 1, the stamp in amended claim 54 directly patterns the device layer, where the device layer is a part of a fabricated device. Because Kuwabara fails to teach directly patterning a device layer, the applicant submits that claims 1 and 54 are not anticipated by Kuwabara and are therefore allowable.

No fee is believed to be due. If, however, there are any charges or credits, please apply them to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

Spt 8, 2003


Jennifer A. Zancoco
Reg. No. 54,563

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

A